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February 12, 2003

**BY UPS OVERNIGHT AND BY FAX – 703.746.7072**

Albert Zervas, Esq.  
Trademark Trial and Appeal Board  
South Tower building  
2900 Crystal Drive  
Arlington, VA 22202



02-13-2003

U.S. Patent & TMO/c/TM Mail Rcpt Dt. #7;

Re: *Galleon S.A. v. Havana Club Holding, S.A.*  
TTAB Cancellation No. 24,108

Dear Mr. Zervas:

I write in response to the numerous misstatements in William Golden's letter dated February 11.

First, as previously stated by counsel for Cubaexport (and by HCH as well), Mr. Krinsky is not and has not been counsel of record for Cubaexport in this proceeding. Mr. Golden's repeated constrary statement does not make it so (and is inconsistent with the TTAB's statements at page 7 and n.3 of its decision).

Second, we have examined our entire file, including the file that some time ago we requested and received from the PTO. Not a single document indicates that Mr. Krinsky has ever been Cubaexport's domestic representative. To be sure, the Board's most recent decision refers to him as such, but on the basis of our records and those we have seen from the PTO we respectfully believe that statement to be a misreading of the file (unless we have lost or not obtained a document, which is not impossible, but we do not believe it to be the case).<sup>1</sup> But Mr. Golden's reference to this matter is in any event irrelevant, particularly in light of Fish & Neave's representation that they have been appointed domestic representative and will file the appointment upon OFAC's grant of license.

<sup>1</sup> We see a document identifying Mr. Krinsky as the registered representative of the intermediate assignee, Havana Rum & Liquors, but not of the assignor, Cubaexport; and the records we see reflect a different domestic representative. If the PTO has records that reflect Mr. Krinsky as Cubaexport's domestic representative, we would appreciate obtaining a copy (or being told where we could obtain it).

MT

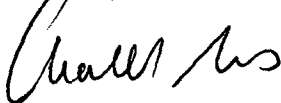
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Third, the very quotation Mr. Golden makes from TBMP §114.03 demonstrates that Fish & Neave should be accepted as Cubaexport's counsel by virtue of request for an extension of time on behalf of Cubaexport.

Finally, virtually every part of Mr. Golden's last paragraph is in error, except for its last four words. He is correct that HCH does not speak for Cubaexport. That is why, as Fish & Neave has represented, Cubaexport retained that firm to speak for Cubaexport. Mr. Golden's effort not to listen and to delay any phone call with staff counsel so that Cubaexport cannot be heard has delayed grant of Fish & Neave's request for a week and provides just another reason why the extension Cubaexport has sought for respondents should be granted forthwith.

Very truly yours,



Charles S. Sims

cc: William R. Golden, Jr., Esq.  
Martin A. Leroy, Esq.